

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
Plaintiff, :
: 93 Cr. 181-09 (LGS)
-against- :
: ORDER
VICTOR ALVAREZ, :
Defendant, :
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on July 10, 2020, the Government filed an application to modify Defendant's conditions of release (the "Application") (Dkt. No. 1169);

WHEREAS, Defendant has the right to be represented by counsel and appear at a hearing in connection with the Government's application;

WHEREAS, on July 13, 2020, the Court appointed Derek Cohen as counsel under the Criminal Justice Act, 18 U.S.C. § 3006A, for the limited purpose of representing Defendant in connection with the Application (Dkt. No. 1170);

WHEREAS, on July 21, 2020, Mr. Cohen filed a letter stating that "Mr. Alvarez instructed me to inform the Court that he wishes to choose his own attorney and refuses to have me represent him." (Dkt. No. 1173);

WHEREAS, Defendant is scheduled to be released from prison, and his supervised release is scheduled to begin, on July 30, 2020. In light of the circumstances of the pandemic and the varying capabilities of Bureau of Prisons facilities to produce defendants for video conference or telephonic hearings, it will likely be difficult, if not impossible, to secure Defendant's presence for any hearing before his release on July 30, 2020;

WHEREAS, under the applicable rules, defendants do not choose their appointed

attorneys. Instead, the on-duty attorney for any given day is assigned the representation;

WHEREAS, Defendant is free to hire his own attorney, but the Court believes it would helpful for Defendant be represented until he is able to hire his own attorney. For example, the appointed attorney can relay communications from the Court, such as the contents of this order, and can relay communications from Defendant to the Court. It is hereby

ORDERED that Mr. Cohen is relieved as counsel for Defendant. It is further

ORDERED that the Court appoints Carla Sanderson, the CJA attorney on duty today, as counsel under the Criminal Justice Act, 18 U.S.C. § 3006A, for the limited purpose of representing Defendant in connection with the Application until he hires his own attorney. It is further

ORDERED that, by **July 24, 2020**, Ms. Sanderson shall (1) make all efforts to speak with Defendant and read and explain to him the contents of this Order; and (2) file a letter on ECF to apprise the Court of whether she was able to speak with Defendant. If Ms. Sanderson is able to speak with Defendant before filing the letter, the letter shall propose next steps. If Ms. Sanderson is not able to speak with Defendant before filing the letter, the letter shall apprise the Court of when she anticipates speaking with Defendant, and propose a deadline by which to file a letter proposing next steps. Ms. Sanderson shall also determine whether Defendant is willing to waive his appearance at an in-person hearing and instead attend a telephonic or video hearing after his release to address the Application.

Dated: July 21, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE